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OFFICE OF PETITIONS

In re

Teets et al.
Reissue Application No. 10/712,917
Filed: November 13, 2003
Reissue of Patent No. 6,314,717
Original Issue Date: November 13, 2001
Attorney Docket No. 3419-032151

DECISION ON PETITION

This is a decision on the "PETITION UNDER 37 CFR § 1.182 FOR QUESTIONS NOT SPECIFICALLY PROVIDED FOR," filed May 10, 2004 and requesting inclusion of inadvertently omitted unamended drawings from the original patent to the above-identified reissue application and to retain the original filing date of November 13, 2003 for this reissue application. The petition is properly construed as one requesting waiver of the requirement of 37 CFR 1.173(a)(2) that the reissue application be filed with a clean copy of each drawing sheet of the printed patent.

The petition is **GRANTED**.

REVIEW OF FACTS

1. On November 13, 2003, the application was deposited as an application for reissue of U.S. Patent No. 6,314,717.
2. On April 20, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Reissue Application, notifying applicants that the application papers had not been accorded a filing date because they were deposited without drawings as prescribed by 35 U.S.C. 113.
3. On May 10, 2004, the present petition (and fee) were filed. Therein, applicants acknowledged that the reissue application as filed on November 13, 2003 did not include the drawings. On May 25, 2004, applicants supplemented the petition with copies of the drawings from the original patent.

DECISION ON PETITION TO ACCORD FILING DATE AND ACCEPT PAPERS AS COMPLETE APPLICATION

Petitioner states that drawings are necessary for the subject matter sought to be patented, but acknowledges that the instant reissue application as filed on November 13, 2003 did not include

drawings. Petitioner states that the (omitted) drawings associated with the reissue application are unamended from and identical to the drawings associated with the original patent. Petitioner requests that the Office excuse the inadvertent omission of the drawings on filing and accord the application a filing date of November 13, 2003.

Since this is a reissue application, the contents of the application are set by rule. The reissue application must include "a clean copy of each drawing sheet of the printed patent at the time the reissue application is filed" (37 CFR 1.173). As such, there is no question as to the drawings intended to be filed in this case. Under these circumstances, the delay in supplying the drawings is excused.

In view of the above, this application is accepted as a complete application and accorded a filing date of November 13, 2003.

CONCLUSION

1. The petition is GRANTED.
2. The 15 sheets of drawings supplied on May 25, 2004, included facsimile markings. To avoid further processing delays, clean copies of these drawings have been prepared by the Office and will be used in the processing and examination of the application.
2. The application is being returned to the Office of Initial Patent Examination for further processing as a reissue application with a filing date of November 13, 2003, using the papers deposited on that date and the fifteen (15) sheets of drawings prepared by the Office.
3. Telephone inquiries related to this decision should be directed to Nancy Johnson, Senior Petitions Attorney at (703) 305-0309.
4. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (703) 305-9282.



Kenneth M. Schor
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Office of Patent Legal Administration